



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE 04-11

BILL 8 (2004), CD1

A BILL FOR AN ORDINANCE

RELATING TO THE SALE OF CITY REAL PROPERTY.

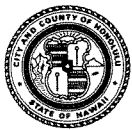
BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to impose conditions on the proposed sale of certain city real property.

SECTION 2. Chapter 37, Article 1, Revised Ordinances of Honolulu 1990, is amended by adding a new section to be appropriately designated by the revisor of ordinances and to read as follows:

"Sec. 37-1. Proposed sale of high value property.

- (a) The director shall submit a draft resolution to the council containing the following information before city surplus or non-surplus real property, with an assessed value of more than \$1 million, is marketed:
- (1) A description of the property, including its size, location, existing zoning, and any city facilities or improvements on the property;
 - (2) The assessed value of the property;
 - (3) A marketing plan or approach that describes how the property will be marketed, including the manner of advertising the property's availability, the extent of any planned local, national or international advertising or other marketing efforts and a copy of any proposed brokerage agreement with a real property brokerage firm for the sale of the property;
 - (4) Any conditions or restrictions which the director proposes to be applicable to the property upon its sale, including permitted uses of the property; height restrictions; preservation of view planes; landscaping; preservation of existing structures; maintenance of existing public facilities, including parking; retention of existing rental housing units, elderly or special needs housing units, moderate-income housing units, low-income housing units, very low-income housing units, or extremely low-income housing units, if applicable; and any other proposed conditions or restrictions.
- (b) The council may adopt the resolution in the form transmitted by the director, or with additional conditions or restrictions. Upon the adoption of the resolution, the director may proceed with the marketing of the property. No resolution for the



A BILL FOR AN ORDINANCE

sale of city property, as described in Section 37-1.6, shall be considered by the council unless the resolution described in this section has first been approved."

SECTION 3. Section 37-1.1, Revised Ordinances of Honolulu 1990 ("Definitions"), is amended by amending the definition of "director" to read as follows:

"Director" means the director of [finance] budget and fiscal services of the city."

SECTION 4. Section 37-1.6, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Sec. 37-1.6 General provisions for disposal by sale.

(a) Real property owned by the city which is to be disposed of by sale shall be sold subject to the following provisions, except to the extent that they are inconsistent with Section 37-1.4[.]:

[(a)](1) The resolution authorizing the sale of the property shall state whether the property is proposed to be sold at auction, by negotiated sale, or otherwise, and shall state the minimum price for which the property will be sold;

[(b)](2) The property shall be disposed of by public auction unless otherwise provided in the resolution authorizing the sale;

[(c)](3) If the council determines by resolution that city real property may be disposed of by auction, the director shall, before selling the city real property by auction, give notice of the proposed sale at least once a week for two weeks in a newspaper of general circulation in the city;

[(d)](4) The property shall not be disposed of for a sales price less than any minimum, or upset price, stated in the resolution authorizing the sale.

(b) If the city real property to be sold, whether surplus or non-surplus, has an assessed value greater than \$1 million, the resolution authorizing the sale of the property shall, in addition to complying with subsection (a), contain the following information:

(1) The intended use of the property by the buyer; and

(2) The information required in Section 37-1. (a)(1), (a)(2) and (a)(4)."



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ORDINANCE 04 - 11

BILL 8 (2004), CD1

A BILL FOR AN ORDINANCE

SECTION 5. Section 37-1.9, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Sec. 37-1.9 Preparation of documents—Appraisals.

The director is authorized to prepare, subject to the approval of the corporation counsel, such deeds and other documents as are necessary to effect the disposal of city real property as authorized by council resolution. When requested by the council, the director or the director [and chief engineer] of the department of [public works] design and construction shall prepare an appraisal of the fair market value of city property or of property proposed to be exchanged for city real property. The council shall make the final determination as to the sales price of city real property and of the exchange value of property to be exchanged for city real property."

SECTION 6. Ordinance material to be repealed is bracketed. New material is underscored. When revising, compiling or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the revisor of ordinances need not include the brackets, the bracketed material or the underscoring.



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HONOLULU, HAWAII

ORDINANCE 04 - 11

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A BILL FOR AN ORDINANCE

SECTION 7. This ordinance shall take effect upon its approval.

INTRODUCED BY:

Gary Okino

DATE OF INTRODUCTION:

February 11, 2004
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

[Signature]
Deputy Corporation Counsel

Dis-APPROVED this 29th day of April, 2004.

[Signature]
BENJAMIN B. LEE, ACTING MAYOR
City and County of Honolulu

(OCS/040804/ct)

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

ORDINANCE 04-11

BILL 8 (2004)

Introduced: 2/11/04 By: GARY OKINO

Committee: BUDGET

Title: A BILL FOR AN ORDINANCE RELATING TO THE SALE OF CITY REAL PROPERTY

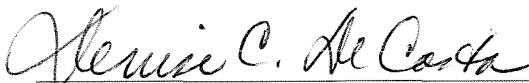
Links: [8 \(2004\)](#)

[CR-85](#)

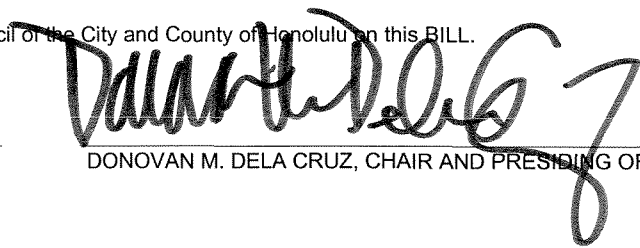
[Related Communications](#)

Council	2/18/04	Passed first reading and referred to Committee on Budget. Cachola Y Dela Cruz Y Djou Y Gabbard Y Garcia ... Y Kobayashi Y Marshall Y Okino Y Tam Y
Budget	3/10/04	CR-85 – Reported out of committee for passage on second reading and scheduling of a public hearing.
Publish	3/13/04	Public hearing notice published in the Honolulu Star-Bulletin.
Council/ Public Hearing	3/24/04	Passed second reading, CR-85 adopted, public hearing closed and referred to the Committee on Budget. Cachola Y Dela Cruz Y Djou Y Gabbard Y Garcia ... Y Kobayashi Y Marshall Y Okino Y Tam Y
Publish	4/5/04	Second reading notice published in the Honolulu Star-Bulletin.
Budget	3/31/04	CR-125 – Reported out of committee for passage on third reading as amended in CD1 form.
Council	4/14/04	Passed third reading, as amended (CD-1), and CR-125 adopted. Cachola Y Dela Cruz Y Djou Y Gabbard Y Garcia ... Y Kobayashi Y Marshall Y Okino Y Tam Y

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.



DENISE C. DE COSTA, CITY CLERK



DONOVAN M. DELA CRUZ, CHAIR AND PRESIDING OFFICER

ORDINANCE NO. 04 - 11

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

CERTIFICATE

I hereby certify that Bill 8, CD1, returned vetoed by Benjamin B. Lee, FAIA, Acting Mayor of the City and County of Honolulu, on April 29, 2004, was taken up by the Council for reconsideration on May 12, 2004; and, at the same meeting, APPROVED by the said Council, the veto of the Acting Mayor to the contrary notwithstanding by the following vote:

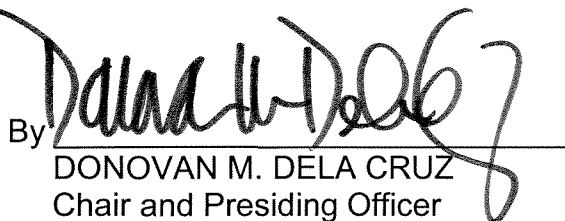
AYES: Councilmembers Cachola, Djou, Gabbard, Garcia,
Kobayashi, Marshall, Okino, Tam, Dela Cruz. – 9.

NOES: None.

Further, pursuant to Section 3-203 of the Revised Charter of Honolulu and the foregoing action by the said Council, Bill 8, CD1, is duly enacted an Ordinance by this certification.

Dated, Honolulu, State of Hawaii, this 12th day of May, 2004.

CITY COUNCIL

By 
DONOVAN M. DELA CRUZ
Chair and Presiding Officer

ATTEST:


DENISE C. DE COSTA
City Clerk

04 - 11